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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 13, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 4:15-CR-6049-EFS-18

Plaintiff,

v.

ALFREDO MAGANA GARIBAY,

Defendant.

**ORDER GRANTING IN PART
DEFENDANT'S MOTION FOR
EXTENSION OF TIME TO FILE
OBJECTIONS TO DRAFT PRE-
SENTENCE REPORT AND
SENTENCING MEMORANDUM**

USPO Action Required

Before the Court, without oral argument, is Defendant Alfredo Magana Garibay's Motion for Extension of Time to File Objections to Draft Pre-Sentence Report and Defendant's Sentencing Memorandum. ECF No. 1017. Counsel for Defendant, Nicholas Marchi, requests that the Court extend time to file objections to the Draft Pre-sentence Investigation Report and Defendant's sentencing memorandum to December 3, 2018, because Mr. Marchi is out of the country until November 26, 2018. *Id.* Mr. Marchi avers that the Government's Counsel, Stephanie Van Marter, does not oppose this request. *Id.* The Court declines to extend the date to file objections and sentencing memoranda to December 3, 2018, as this would not provide the United States Probation Office enough time to prepare their sentencing

1 recommendations for the Court. However, the Court finds good cause to extend the
2 date to file objections and sentencing memoranda to November 28, 2018. Counsel
3 and the United States Probation Office are expected to carefully read and abide by
4 this Order and such provisions of the prior Order Regarding Schedule for
5 Sentencing, ECF No. 906, that have not been superseded hereby.

6 **IT IS HEREBY ORDERED:**

- 7 1. The Defendant's Motion for Extension of Time to File Objections to
8 Draft Pre-Sentence Report and Defendant's Sentencing Memorandum,
9 **ECF No. 1017, is GRANTED IN PART.**
- 10 2. **Counsel** shall **COMMUNICATE IN WRITING** to the U.S. Probation
11 Office any objections to the presentence investigation report by no later
12 than **Wednesday, November 28, 2018**.
- 13 3. **Counsel** shall **FILE AND SERVE** all motions and memoranda
14 pertaining to Defendant's sentence, including motions for downward or
15 upward departures and/or variances, by no later than **Wednesday,**
16 **November 28, 2018.**
- 17 4. **The U.S. Probation Office shall file** the finalized presentence
18 investigation report and sentencing recommendations to the Court by
19 no later than **Wednesday, December 5, 2018.**

20 //

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and to provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals Service.

DATED this 13th day of November 2018.

s/Edward F. Shea
EDWARD F. SHEA
Senior United States District Judge